

# Chapter 6

## Separation, Termination, and Grievance

### 6.1 SEPARATION (formerly 2.7)

#### 6.1.1 RESIGNATION<sup>1</sup> (formerly 2.7.1)

Any faculty member who does not plan to be employed by Jacksonville State University for the next academic year shall submit a written resignation to his/her immediate supervisor by March 15 of each year. Tenure is relinquished upon resignation.

#### 6.1.2 RETIREMENT<sup>2</sup> (formerly 2.7.2)

Tenure is relinquished upon retirement from the university.

#### 6.1.3 NON-REAPPOINTMENT OF NON-TENURED FACULTY<sup>3</sup> (formerly 2.7.3)

Full-time non-tenured faculty members (instructors and tenure-track) are employed by contract on a year-to-year basis. The option to extend or renew a faculty appointment and contract rests solely and exclusively with the university. Further, the faculty member is under no obligation to agree to an extension or renewal. A non-tenured faculty member shall not have expectancy of appointment for the next academic year. The provost and vice president for academic affairs shall notify the faculty member, in writing, of his/her non-reappointment. Generally, JSU will provide instructors and non-tenured faculty written notice of non-reappointment by March 1. However, JSU reserves the right to send such notice up until such time as an employment contract for the following year is executed.

#### 6.1.4 EXPIRED TENURE<sup>4</sup> (formerly 2.7.4)

Tenure expires upon an event of permanent inability of a faculty member to continue to perform his/her assigned duties.

#### 6.1.5 AUTOMATIC RESIGNATION<sup>5</sup> (formerly 2.7.5)

A faculty member shall automatically forfeit and waive his/her tenure or contract upon failure to report for service at the designated date of the beginning of any academic term. Such failure to report shall be deemed to be a resignation unless the faculty member has shown good cause for such failure to report. The burden of establishing good cause shall rest upon the faculty member. The President's decision as to whether the affected faculty member has established good cause shall be final.

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<sup>1</sup> Revised 06/2023

<sup>2</sup> Revised 06/2023

<sup>3</sup> Revised 06/2023

<sup>4</sup> Revised 06/2023

<sup>5</sup> Revised 06/2023

### **6.1.6 SUSPENSION<sup>6</sup> (formerly 2.7.6)**

The Provost and Executive Vice President for Academic Affairs may suspend a faculty member, with or without salary and benefits, from his/her assigned duties at the Provost and Executive Vice President for Academic Affairs' discretion to safeguard the health and safety of faculty, students, or employees of the university; to prevent a disruption of normal operations of the university; or upon the recommendation of a department head and dean. A faculty member may appeal his/her suspension to the University Hearing Committee (UHC), if salary and benefits have been suspended. See UHC procedures.

### **6.1.7 PROBLEM-SOLVING AND DISCIPLINE POLICY<sup>7</sup> (formerly 2.7.7)**

In dealing with problem solving and discipline, a series of communications and informal actions must occur to facilitate positive modification of behavior. In such instances, department heads, directors, and other supervisors must use the sequence of progressive steps specified below. Aid to Memory: The supervisor will discuss the matter with the faculty member. A written summary of the discussion will be placed in the faculty member's personnel file.

Written Notice: The supervisor will provide written notice to the faculty member regarding the inappropriate behavior/action. This action will be retained in the individual's personnel file. Actions Referencing Disciplinary Recommendations. The supervisor will notify the faculty member in writing of continued unacceptable behavior and describe some appropriate disciplinary action to be taken.

## **6.2 REMOVAL FOR CAUSE: DISMISSAL OR TERMINATION FOR ADEQUATE CAUSE (formerly 2.7.8)**

### **6.2.1 DISMISSAL<sup>8</sup> (formerly 2.7.8.1)**

A faculty member with tenure, or a faculty member on a tenure-track appointment prior to the end of the appointment, or a faculty member on a temporary appointment prior to the end of the appointment, may be dismissed. It is impossible to list all potential disciplinary problems and the various circumstances that may lead to dismissal. In general, reasons for dismissal may include, but may not be limited to, the following:

1. Inability, refusal, or failure to perform the duties or responsibilities for which the faculty member was employed.
2. Unexcused absenteeism.
3. Refusal or failure to comply with the policies of the university, school, or department.
4. Insubordination or refusal or failure to perform specific assignments designated by a supervisor.
5. Dishonesty.

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<sup>6</sup> Revised 06/2023

<sup>7</sup> Revised 06/2023

<sup>8</sup> Revised 06/2023

6. Illegal or improper use of narcotics or intoxicants or a violation of the university's drug and alcohol policy.
7. Violation of academic or professional ethics.
8. Unauthorized disclosure of confidential information.
9. Commission of a criminal act defined as a felony or as a crime involving moral turpitude.

### **6.2.2 FINANCIAL EXIGENCY<sup>9</sup> (formerly 2.10)**

According to the procedures outlined in the Financial Exigency Policy, contained in the Jacksonville State University Manual of Policies and Procedures, the university may terminate or reduce the contract rights of tenured and non-tenured faculty members, when the board of trustees, in consultation with the president, determines that the university is faced with financial exigency.

### **6.2.3 PROCEDURES FOR DISMISSAL FOR ADEQUATE CAUSE OR TERMINATION FOR FINANCIAL OR CURRICULAR REASONS<sup>10</sup> (formerly 2.7.8.2)**

The Provost and Executive Vice President for Academic Affairs shall notify the faculty member, in writing, of his/her dismissal or termination. The notice shall state reasons for dismissal or termination and inform the faculty member of his/her right to request an appeal/hearing. Should the dismissed/terminated faculty member desire to appeal the dismissal, an appeal may be allowed, provided the dismissed faculty member requests such appeal in writing. The written request for appeal may be mailed via certified mail and must be received by the Office of the Provost and Executive Vice President for Academic Affairs within 7 working days from the date of the faculty member's notice of dismissal. Failure to request an appeal to the Provost and Executive Vice President for Academic Affairs within 7 working days from the date of delivery precludes any further appeal by the faculty member and the dismissal is final.

If a hearing is requested in a timely fashion, an appeal/hearing will be conducted by the university hearing committee (UHC).

### **6.2.4 UNIVERSITY HEARING COMMITTEE<sup>11</sup> (formerly 2.11)**

The University Hearing Committee (UHC) is the university's grievance committee. This committee considers faculty grievances and appeals concerning charges of disability, race, sex, and age discrimination; Affirmative Action-related grievances; and faculty without salary and benefits, termination, and dismissal. Certain issues do not fall under this procedure, such as: sexual harassment; promotion decisions; non-reappointment; tenure decisions; evaluation; salary; suspension with salary and benefits; merit raises; benefits; assigned workload; and financial support for grants, contracts, equipment, or travel.

1. All informal and administrative appeals and/or grievance procedures must be exhausted through the department/school/division before an appeal may be made

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<sup>9</sup> Revised 06/2023

<sup>10</sup> Revised 06/2023

<sup>11</sup> Revised 06/2023

- to the UHC. The Provost and Executive Vice President for Academic Affairs shall ascertain and determine if all such appeals and/or procedures have been exhausted.
2. If all such appeals and/or procedures through the school/department level have been exhausted, the faculty member may file with the Provost and Executive Vice President for Academic Affairs his/her written grievance or appeal stating the specific issues the UHC is to review.
  3. The UHC shall consist of the following:
    - a. Vice Provost, as chair (ex- officio)
    - b. One dean, appointed by the Provost
    - c. One department head, appointed by the Provost
    - d. President of the Faculty Senate
    - e. Two faculty members, appointed by the President of the Faculty Senate
    - f. One faculty member, appointed by the Provost
  4. Members deeming themselves disqualified because of bias or interest shall remove themselves from the UHC. The Provost and Executive Vice President for Academic Affairs and/or the President of the Faculty Senate shall make new or substitute appointments as needed.
  5. Replacements or substitutes shall be chosen in the manner described above. In the event that the Faculty Senate President is disqualified for some reason, the Vice President of the Faculty Senate shall assume the President's role and function.
  6. At least 20 days prior to the scheduled hearing date, the chair of the UHC shall serve notice of the meeting, stating time, place, and the specific issues, appeals, and/or charges that have been made. Except for such simple publicity announcements as may be required (such as the time of the hearing and similar matters), public statements and publicity about the appeal or grievance by either the faculty member or administrative officers shall be avoided.
  7. At the hearing, the faculty member shall have the opportunity to present his/her appeal or grievance. The UHC may request other parties to testify as circumstances dictate. The committee shall not be bound by strict rules of legal evidence and may admit any evidence that is of value in determining the issues involved. Every effort shall be made to obtain the most reliable information available. The findings of fact and the decision shall be based on the hearing record. The hearing records, including all related documents and exhibits, shall be the property of the university.
  8. Following the hearing, the UHC shall make its written recommendation to the Provost and Executive Vice President for Academic Affairs. Its recommendation shall be based upon the preponderance of the evidence in the record considered as a whole. A copy of the recommendation shall be mailed to the faculty member who filed the grievance or appeal.
  9. The Provost and Executive Vice President for Academic Affairs shall review the recommendation of the UHC and shall affirm or deny the appeal or grievance. Unless there is a claim of denial of procedural due process, the decision of the Provost and Executive Vice President for Academic Affairs is final.
  10. An appeal may be made to the president only on the basis of denial of procedural due process. All appeals shall be in writing and must be mailed via certified mail

(and received) by the President within 7 days of the date of the Provost and Executive Vice President for Academic Affairs' decision. The faculty member must demonstrate, in writing, to the president that a necessary policy or procedure was not followed in his/her appeal or grievance. In that case, the President shall review all relevant records and shall affirm or deny the grievance or appeal. In all such cases, the decision of the president is final. If the President determines that all policies and procedures were followed, the decision of the Provost and Executive Vice President for Academic Affairs is final.